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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1998]

The situation in East Timor

1. The case of East Timor is well known by the international community and it is an issue which continues to be brought to the attention of peoples and Governments who adhere to the principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights.

2. Even today, more than 50 years after the Bandung Conference and almost 40 years after the adoption of General Assembly resolutions 1514 (XV) on the declaration on the granting of independence to colonial countries and peoples and 1541 (XV) dealing with information concerning "territories whose peoples have not yet attained a full measure of self-government", East Timor continues to be regarded as a non-self-governing territory. After being colonized by a European country for almost four centuries, East Timor continues to be subjugated by foreign domination against the wishes of the East Timorese people. More than 22 years ago Portugal initiated the process of decolonization of East Timor, which was brutally interrupted by the invasion and consequent annexation by Indonesia.

3. Indonesia's occupation of East Timor contravenes the right to self-determination of the East Timorese people as it is recognized by the United Nations and is legally beyond question. The General Assembly and the Security Council have adopted a total of 10 resolutions on the question of East Timor, all reaffirming the right to self-determination. In its ruling of 30 June 1995 on the Case Concerning East Timor, Portugal v. Australia, the International Court of Justice stated that this right has an erga omnes character and that the people of East Timor are entitled to it.

4. Yet for 22 years the Government of Indonesia has persisted in violating its international obligations. However, this does not in any way diminish the inalienable right of the Timorese as a people to self-government. Moreover, the brutal treatment of the people, which has resulted in the death of one third of the population, strengthens not only the claim for self-government, but also the obligation of the international community, and particularly of the United Nations, to take measures to ensure its full and free realization.

5. In spite of the adoption by the United Nations of no less than 10 General Assembly and Security Council resolutions condemning Indonesia's invasion and illegal occupation of East Timor, each year we hear Indonesia's allegation, in the Commission on Human Rights and in other international fora, that the East Timorese have already exercised their right to self-determination and are now living happily with greater opportunities and liberties with Indonesia.

6. Indonesia claims that the East Timorese were already given four chances to exercise their right to self-determination, including:

(a) The so-called Balibo Declaration by four Timorese political parties, which was in fact forcedly signed on Bali beach, not in East Timor;

(b) The resolution of the so-called Regional Popular Assembly, staged in Dili;

(c) The petition to the Indonesian President and Parliament;

(d) Indonesia's so-called fact-finding mission to East Timor which sealed East Timor as its so-called twenty-seventh province.

7. However, neither of the above-mentioned meets the requirements of Principle IX of the annex to General Assembly resolution 1541 (XV) of 15 December 1960 which states:

> "(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;
>
> (b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal suffrage. The United Nations could, when it deems necessary, supervise these processes."

8. Both the resolution of the Popular Assembly and the petition are not acceptable under Principle IX. The participants of the Popular Assembly were reportedly taken from the streets and instructed on what to do and say. There is no evidence that they made an informed act or had a free choice.

9. In addition, the former Governor of East Timor appointed by Indonesia, Mr. Guilherme Goncalves, one of the signatories to the Balibo Declaration, publicly denounced this Declaration during the first All-inclusive Intra-East Timorese Dialogue (AIETD) organized by the United Nations. Subsequently he was prevented by Indonesia from participating in the second Intra-East Timorese Dialogue.

10. The Indonesian Government also claims that its illegal presence in East Timor and its oppressive policies result in socio-economic development which is for the benefit of the East Timorese. The economic doctrine of Indonesia in this case is popularly characterized by the word "Pembangunam", which means development and constitutes Indonesia's list of supposed achievements for the East Timorese.

11. In his Master's thesis entitled "Pembangunam or Colonialism - Administering Development in East Timor" presented at Murdoch University (Western Australia), Rui Augusto Gomes, a Timorese and former public servant of the Department of Statistics of the Provincial Government of Dili (East Timor), explains the Indonesian theory of development. Rui Gomes has since sought asylum in Portugal for fear of repercussions over his critique of the Indonesian Government's policy in East Timor.

12. Rui Gomes' thesis clearly refutes Indonesia's widely used argument such as the allegation that they have done much more for East Timor in 20 years of occupation than the Portuguese were able to do in four centuries. Although Gomes states that there has been "impressive achievements since 1975" which includes "... the construction of 2,500 kilometres of new roads, with

some 700 kilometres already asphalt-surfaced ... 579 elementary schools, 71 high schools, of which 24 are run by the Catholic Missions, one new polytechnic ...", he also poses the important question of who has really benefited from the development.

13. Figures from Bappeda dan Statistik for example show that East Timor's gross domestic product (GDP) between 1983 and 1986 was almost 6 per cent per annum. This represents a growth rate of about 50 per cent faster than Indonesia's growth rate. Further East Timor's economy grew at 11.64 per cent in 1990, substantially higher than Indonesia's GDP of 7.37 per cent in the same period.

14. Although these figures are impressive, they veil the real situation of the majority of East Timorese, as the Indonesian migrants are those who have really benefited from these improvements. For the East Timorese, Pembangunam and the apparent achievements have not brought about any structural changes and it should be noted that agriculture continues to represent 50 per cent of the GDP. The high cost of living also means that East Timor has the lowest GDP per capita and the majority of East Timorese have a lower standard of living because the cost of living is much higher than the wages and salaries.

15. Mr. Gomes further states that these figures indicate "... that in two decades of Mr. Suharto's rule of East Timor, his Pembangunam strategy had only produced a richer minority (mostly migrants) in a deprived colony ...", and concludes that "whilst Pembangunam has occurred in the interest of migrants, for the East Timorese Pembangunam has perpetuated a new form of colonialism through the reconfiguration of the landscape and its peoples".

16. The policy of population transfer inside East Timor and the transmigration of Indonesians from Java, Madura, Macassar and other Indonesian islands to East Timor also constitutes a major concern. It is estimated today that there are about 300,000 Indonesian transmigrants in East Timor, the majority of which occupy positions in the civil service, in Dili, and the rest are farmers who have taken over ancestral lands which used to belong to East Timorese. This figures does not include unofficial migrants who outnumber official ones, nor the 20 to 30 battalions, each comprising about 700 soldiers and their relatives. The occupation by the Indonesian transmigrants of the best administrative posts in the public administration is contributing to the creation of an idea that the transmigrants, particularly the Javanese, are superior to the East Timorese.

17. It should also be noted that the high influx of transmigrants which has resulted in a high population growth rate created serious environmental problems. Mr. Gomes reports that in essence the East Timorese have been "displaced from their homelands to unfamiliar and fragile environments" whilst their traditional lands are exploited and occupied by the Indonesian transmigrants, elites and the military. Furthermore in an attempt to gain better control over the Timorese Resistance Army (Falintil) "vast areas of formerly natural rainforests have been cleared and damaged ... leaving these areas at risk".

18. As described by Mr. Gomes, the influx of these transmigrants either through the spontaneous or encouraged or Government-sponsored transmigrations has become a process of colonization through land and resource appropriation. The "transmigrants" are located in fertile lands which Timorese have traditionally used for growing rice or vegetables.

19. Although Indonesia excludes UDT and other East Timorese political parties by essentially classifying the East Timorese resistance as a group of the so-called Fretilin rebels, who play on and propagate the supposedly communist threat of the seventies, it needs to be stated that almost 22 years after the Indonesian invasion, the forced annexation of East Timor into Indonesia continues to be unacceptable to the majority of Timorese. And both Indonesia's allegation on self-determination and development mentioned previously cannot veil the gross human rights violations or the killing and/or disappearance of at least 200,000 East Timorese in the last 22 years.

20. In this instance the disregard which Indonesia has shown for the human rights of the Timorese is directly linked to the denial of self-government. This crucial right can only be realized when each and every East Timorese can freely express their own wishes.

21. The Transnational Radical Party therefore fully supports and joins Bishop Ximenes Belo's call for a United Nations supervised referendum to decide the future status of East Timor and will accept and honour the outcome of the referendum, if it is done freely and in accordance with international norms.

22. The Transnational Radical Party also awaits the realization of the next All-inclusive Intra-East Timorese Dialogue, although continuing to express its concern at its artificial nature and in particular the gender disparity in the number of participants, which means that women are being denied the opportunity to influence the future of their country. The Dialogue may be a useful way to involve the East Timorese as the principal interested parties in the process.

23. The award of the Nobel Peace Prize to Bishop Ximenes Belo and Mr. Jose Ramos Horta has brought new hope for the people of East Timor. The Transnational Radical Party hopes that the momentum initiated by the award of the Peace Prize will contribute towards a true act of self-government for the East Timorese and will bring a lasting peace. However, the Transnational Radical Party continues to be extremely concerned that since the award the human rights situation inside East Timor has severely deteriorated and that the Indonesian Government has shown no inclination to find a true solution to the problem, acceptable both to the East Timorese population and to the international community.